

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**UNITED STATES OF AMERICA ex rel., §  
TIFFANY MONTCRIEFF, et al., §**

**Relators, Plaintiff,** §  
§  
§

v. §

**PERIPHERAL VASCULAR  
ASSOCIATES, P.A.,** §  
§  
§

**Defendant.** §  
§

**Civil Action No. 5:17-CV-00317-XR**

**DEFENDANT'S FINAL EXHIBIT LIST**

Defendant Peripheral Vascular Associates, P.A. (“PVA”) submits the following list of exhibits that it may offer at the trial of this case:

Defendant's Trial Exhibit List						
Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
1.	08/21/2020	Declaration of Kathy Britt and Exhibits (Document Previously Filed Under Seal)				
2.	08/21/2020	Declaration of Brian Puente	DEF0163022-0163023			
3.	10/31/2019	Memorandum from Kelly Cleary to Demetrios Kouzoukas re: Impact of <i>Allina</i> on Medicare Payment Rules	DEF0161678-0161680			
4.		PVA Website, Doctors of Arteries & Veins, <a href="https://pvasatx.com/about-us/about-pva/">https://pvasatx.com/about-us/about-pva/</a>	DEF0161681-0161685			
5.		PVA Website, PVA Vascular Lab, <a href="https://pvasatx.com/service-lines/vascular-lab/">https://pvasatx.com/service-lines/vascular-lab/</a>	DEF0161686-0161690			
6.		PVA Website, Locations, <a href="https://pvasatx.com/locations/">https://pvasatx.com/locations/</a>	DEF0161691-0161695			

Defendant's Trial Exhibit List						
Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
7.		PVA Website, PVA Doctors and Providers, <a href="https://pvasatx.com/pva-doctors-providers/">https://pvasatx.com/pva-doctors-providers/</a>	DEF0161696-0161699			
8.		Local Coverage Determination, Non-Invasive Cerebrovascular Arterial Studies (L35397)	DEF0161700-0161713			
9.		Novitas Solutions, Medicare Part B Physician Fee Schedule for Texas 2019	DEF0163628-0163973			
10.		DOJ Justice Manual § 1-20.100	DEF0161714-0161716			
11.	10/17/2019	Deposition and Exhibits of Roberta Martinez				
12.	10/16/2019	Deposition and Exhibits of Tiffany Montcrieff				
13.	10/15/2019	Deposition and Exhibits of Alicia Burnett				
14.	07/24/2020	Deposition and Exhibits of Robert D. Church				
15.	07/21/2020	Deposition and Exhibits of James E. Alexander M.D.				
16.	07/31/2020	Deposition and Exhibits of Zachary Nye				
17.	03/27/2020	Expert Report of James E. Alexander (Alexander Depo Ex. 3)	DEF0161719-0161736			
18.		Expert Report of James E. Alexander Exhibit 1: Curriculum Vitae for James E. Alexander, Jr. MD	DEF0161737-0161742			
19.		Expert Report of James E. Alexander Exhibit 2: List of Duties of a Medicare Contractor Medical Director from Medicare Program Integrity Manual Chapter 1	DEF0161743-0161746			
20.		Expert Report of James E. Alexander Exhibit 3: DHHS Fraud & Abuse Laws Physician Roadmap	DEF0161747-0161750			
21.		Expert Report of James E. Alexander Exhibit 3: CMS MLN Booklet Medicare Fraud 7 Abuse: Prevent, Detect, Report	DEF0161751-161753			

Defendant's Trial Exhibit List						
Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
22.		Expert Report of James E. Alexander Exhibit 3: Medicare Program Integrity Manual Chapter 4 – Program Integrity	DEF0161754-0161757			
23.		Expert Report of James E. Alexander Exhibit 3: Medicare Claims Processing Manual Chapter 13 - Radiology Services and Other Diagnostic Procedures	DEF0161758			
24.		Expert Report of James E. Alexander Exhibit 3: ICD Coding for Diagnostic Tests	DEF0161759-0161761			
25.		Expert Report of James E. Alexander Exhibit 3: 42 CFR § 415.120(a)	DEF0161762-0161763			
26.	09/2014	Expert Report of James E. Alexander Exhibit 3: THE CODE: The Official Medical Coding Newsletter of MiraMed <i>Distinguishing Diagnostic Testing Review from Reports Are Your TEE Reports Compliant?</i>	DEF0161764-0161765			
27.		Expert Report of James E. Alexander Exhibit 3: CMS MLN Matters: Guidance on Coding and Billing Date of Service on Professional Claims	DEF0161766-0161767			
28.		Expert Report of James E. Alexander Exhibit 3: Medicare Benefit Policy Manual Chapter 15 – Covered Medical and Other Health Services	DEF0161768-0161769			
29.		Expert Report of James E. Alexander Exhibit 3: Novitas JH MAC website Billing Q&A's	DEF0161770			
30.		Expert Report of James E. Alexander Exhibit 3: AMA CPT 2017 Professional codebook	DEF0161771-0161774			
31.	11/2015	Expert Report of James E. Alexander Exhibit 3: Radiology Today: Radiology Billing and coding: <i>Professional and Technical Components</i> by G. John Verhovshek, MA, CPC	DEF0161775			
32.		Expert Report of James E. Alexander Exhibit 4: Novitas Reasonable & Necessary Guidelines	DEF0161776-0161777			

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Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
33.		Expert Report of James E. Alexander Exhibit 4: Medicare Program Integrity Manual Chapter 3 - Verifying Potential Errors and Taking Corrective Actions	DEF0161778			
34.		Expert Report of James E. Alexander Exhibit 4: Medicare Program Integrity Manual Chapter 13 - Local Coverage Determinations	DEF0161779-0161781			
35.		Expert Report of James E. Alexander Exhibit 5: IAC Standards and Guidelines for Vascular Testing Accreditation	DEF0161782-0161789			
36.		Expert Report of James E. Alexander Exhibit 6: Clinical Case Samples of Delayed or Absent Final Interpretation and Report in Complicated Medicare Patients	DEF0161790-0161814			
37.	03/27/2020	Expert Report of Robert D. Church (Church Depo Ex. 4)	DEF0161815-0161849			
38.		Expert Report of Robert D. Church Exhibit DD: Medical Documentation & Coding Compliance Pledge to Peripheral Vascular Associates, Pages 1-20.	DEF0161850-0161869			
39.		Expert Report of Robert D. Church Exhibit EE: Peripheral Vascular Associates Compliance Plan, Policies and Procedures Manual	DEF0161870-0161904			
40.	04/2010	Expert Report of Robert D. Church Exhibit FF: PVA Policies and Procedures – Clarification of Indications for Examinations, Exhibit 3	DEF0161905			
41.	05/02/2017 - 05/03/2017	Expert Report of Robert D. Church Exhibit GG: PVA Pat #8586-Emails, Exhibit 4	DEF0161906-0161909			
42.		Expert Report of Robert D. Church Exhibit HH: PY A OT read and study times.xlsx. Reflecting report times, read times, total times, number of reports, for 2016 and 2017.	DEF0161910-0161912			
43.		Expert Report of Robert D. Church Exhibit II: Society for Vascular Ultrasound-Vascular Technology Professional Performance Guidelines. Extracranial	DEF0161913-0161918			

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Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
		Cerebrovascular Duplex Ultrasound Evaluation. Exhibit 10				
44.		Expert Report of Robert D. Church Exhibit JJ: Peripheral Vascular Associates-Account Inquiry-Patient 999999978 . Exhibit 14	DEF0161919			
45.		Expert Report of Robert D. Church Exhibit KK: Peripheral Vascular Associates-Account Inquiry- Patient 773750. Exhibit 17	DEF0161920			
46.		Expert Report of Robert D. Church Exhibit LL: Peripheral Vascular Associates-Screen print. Exhibit 15	DEF0161921			
47.	07/2001	Expert Report of Robert D. Church Exhibit SS: <i>Coding and Reimbursement Issues for the Radiologist</i> by Phillips and Hillman	DEF0161922-0161927			
48.	03/27/2020	Expert Report of Zachary Nye (Nye Depo Ex. 3)	DEF0161928-0161936			
49.		Expert Report of Zachary Nye Exhibit 1: Zachary R. Nye CV	DEF0161937-0161940			
50.		Expert Report of Zachary Nye Exhibit 2: Summary of False Billings in the Billing System Data for Imaging	DEF0161941			
51.		Expert Report of Zachary Nye Exhibit 3: Distribution of False Billings for Imaging by Number of Days Before Final Report Date	DEF0161942-0161946			
52.		Expert Report of Zachary Nye Exhibit 4a: Total Payments Associated with False Billings for Imaging	DEF0161947-0161952			
53.		Expert Report of Zachary Nye Exhibit 4b: Total Payments Associated with False Billings for Imaging	DEF0161953			
54.		Expert Report of Zachary Nye Exhibit 4c: Total Payments Associated with False Billings for Imaging	DEF0161954-0161955			
55.		Expert Report of Zachary Nye Exhibit 4d: Total Payments Associated with False Billings for Imaging	DEF0161956-0161957			

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Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
56.		Expert Report of Zachary Nye Exhibit 4e: Total Payments Associated with False Billings for Imaging	DEF0161958-0161959			
57.		Expert Report of Zachary Nye Exhibit 5: Chart of Number of Days Between Test Date and Final Report Date	DEF0161960-0161961			
58.		Expert Report of Zachary Nye Exhibit 6a: Total Payments Associated with False Billings for E/M Services	DEF0161962-0161967			
59.		Expert Report of Zachary Nye Exhibit 6b: Total Payments Associated with False Billings for E/M Services	DEF0161968			
60.		Expert Report of Zachary Nye Exhibit 6c: Total Payments Associated with False Billings for E/M Services	DEF0161969-0161970			
61.		Expert Report of Zachary Nye Exhibit 6d: Total Payments Associated with False Billings for E/M Services	DEF0161971-0161973			
62.		Expert Report of Zachary Nye Exhibit 6e: Total Payments Associated with False Billings for E/M Services	DEF0161974-0161975			
63.		Expert Report of Zachary Nye Exhibit 7: Chart Time Between Consecutive Final Report Dates	DEF0161976-0161977			
64.		Expert Report of Zachary Nye Exhibit 8: Chart Number of Tests Per Day	DEF0161978-0161979			
65.	07/08/2020	Supplemental Expert Report of James Alexander M.D. (Alexander Depo Ex. 4)	DEF0161980-0162005			
66.		Supplemental Expert Report of James Alexander M.D. Exhibit 1: CV for James E. Alexander, Jr., MD FACS CHC	DEF0162006-0162011			
67.		Supplemental Expert Report of James Alexander M.D. Exhibit 2: Medicare Program Integrity Manual excerpt, chapter 1	DEF0162012-0162015			
68.		Supplemental Expert Report of James Alexander M.D. Exhibit 3: Office of Inspector General, compliance excerpt	DEF0162016-0162017			
69.		Supplemental Expert Report of James Alexander M.D. Exhibit 4: False Claims Act excerpts and discussion	DEF0162018-0162020			
70.		Supplemental Expert Report of James Alexander M.D. Exhibit 5: CMS publication, ICN MLN4649244	DEF0162021-0162024			

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Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
71.		Supplemental Expert Report of James Alexander M.D. Exhibit 6: Medicare Program Integrity Manual excerpt, chapter 4	DEF0162025-0162029			
72.		Supplemental Expert Report of James Alexander M.D. Exhibit 7: Medicare Claims Processing Manual excerpt, Chapter 13	DEF0162030-0162034			
73.		Supplemental Expert Report of James Alexander M.D. Exhibit 8: 42 CFR § 415.120	DEF0162035-0162036			
74.		Supplemental Expert Report of James Alexander M.D. Exhibit 9: 42 CFR § 415.102	DEF0162037-0162038			
75.		Supplemental Expert Report of James Alexander M.D. Exhibit 10: The CODE, medical newsletter excerpt	DEF0162039-0162041			
76.		Supplemental Expert Report of James Alexander M.D. Exhibit 11: CMS MLN Guidance on Coding	DEF0162042-0162044			
77.		Supplemental Expert Report of James Alexander M.D. Exhibit 12: Medicare Benefit Policy Manual, excerpt chapter 15	DEF0162045-0162047			
78.		Supplemental Expert Report of James Alexander M.D. Exhibit 13: Novitas-Solutions FAQ	DEF0162048-0162049			
79.		Supplemental Expert Report of James Alexander M.D. Exhibit 14: AMA CPT 2017 Professional booklet excerpts	DEF0162050-0162054			
80.		Supplemental Expert Report of James Alexander M.D. Exhibit 15: Radiology Today article by John Verhovshek	DEF0162055-0162056			
81.		Supplemental Expert Report of James Alexander M.D. Exhibit 16: Novitas-Solutions excerpt	DEF0162057-0162058			
82.		Supplemental Expert Report of James Alexander M.D. Exhibit 17: Medicare Program Integrity Manual, excerpt chapter 3	DEF0162059-0162060			
83.		Supplemental Expert Report of James Alexander M.D. Exhibit 18: Medicare Program Integrity Manual, chapter 13	DEF0162061-0162064			

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Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
84.		Supplemental Expert Report of James Alexander M.D. Exhibit 19: Intersocietal Accreditation Commission (IAC) Guidelines on Examination Interpretation and Reports	DEF0162065-0162072			
85.		Supplemental Expert Report of James Alexander M.D. Exhibit 20: Clinical Case Samples of Delayed and Absent Final Interpretation and Report in Complicated Medicare Patient 100855	DEF0162073-0162084			
86.		Supplemental Expert Report of James Alexander M.D. Exhibit 21: Clinical Case Samples of Delayed and Absent Final Interpretation and Report in Complicated Medicare Patient 580210	DEF0162085-0162098			
87.		Supplemental Expert Report of James Alexander M.D. Exhibit 22: Clinical Case Samples of Delayed and Absent Final Interpretation and Report in Complicated Medicare Patient 739250	DEF0162099-0162111			
88.		Supplemental Expert Report of James Alexander M.D. Exhibit 23: AIUM Practice Parameter for Documentation of an Ultrasound Examination	DEF0162112-0162116			
89.		Supplemental Expert Report of James Alexander M.D. Exhibit 24: American Urological Association (AUA), AIUM Medical Documentation Requirements	DEF0162117-0162124			
90.		Supplemental Expert Report of James Alexander M.D. Exhibit 25: Access Surgery: Chapter 17, Documentation, Coding, Billing and Compliance	DEF0162125-0162129			
91.		Supplemental Expert Report of James Alexander M.D. Exhibit 26: American College of Radiology (ACR) Practice Parameter for the Performing and Interpreting Diagnostic Ultrasound Examinations	DEF0162130-0162139			
92.		Supplemental Expert Report of James Alexander M.D. Exhibit 27: AUA: Ultrasound Documentation Requirements	DEF0162140-0162146			
93.		Supplemental Expert Report of James Alexander M.D. Exhibit 28: ACR-SPR-SRU Practice Parameter Performing	DEF0162147-0162153			

Defendant's Trial Exhibit List						
Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
		and Interpreting Diagnostic Ultrasound Examinations				
94.		Supplemental Expert Report of James Alexander M.D. Exhibit 29: ACR-AIUM-SPR-SRU Practice Parameter for the Performance of Peripheral Venous Ultrasound Examination	DEF0162154-0162165			
95.	07/08/2020	Supplemental Expert Report of Robert D. Church (Church Depo Ex. 5)	DEF0162166-0162202			
96.		Supplemental Expert Report of Robert D. Church Attachment A: Marked-up copy of complaint	DEF0162203-0162215			
97.		Supplemental Expert Report of Robert D. Church Attachment I: Wisconsin Physicians Service Insurance Corporation-Non-Invasive Vascular Testing (N.I.V.T.). Local Coverage Determination Coding Guidelines	DEF0162216-0162225			
98.		Supplemental Expert Report of Robert D. Church Attachment DD: Medical Documentation & Coding Compliance Pledge to Peripheral Vascular Associates, Pages 1-20	DEF016226-0162246			
99.		Supplemental Expert Report of Robert D. Church Attachment EE: Peripheral Vascular Associates Compliance Plan, Policies and Procedures Manual.	DEF0162247-0162282			
100.		Supplemental Expert Report of Robert D. Church Attachment FF: PVA Policies and Procedures. Exhibit 3	DEF0162283-0162884			
101.		Supplemental Expert Report of Robert D. Church Attachment GG: PVA Pat #8586-Emails, Exhibit 4.	DEF0162285-0162289			
102.		Supplemental Expert Report of Robert D. Church Attachment HH: PVA DT read and study times.xlsx. Reflecting report times, read times, total times, number of reports, for 2016 and 2017	DEF0162290-0162293			
103.		Supplemental Expert Report of Robert D. Church Attachment II: Society for Vascular Ultrasound-Vascular Technology	DEF0162294-0162300			

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Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
		Professional Performance Guidelines. Extracranial Cerebrovascular Duplex Ultrasound Evaluation. Exhibit 10				
104.		Expert Report of Robert D. Church Exhibit JJ: Peripheral Vascular Associates-Account Inquiry-Patient 999999978. Exhibit 14	DEF0162301-0162302			
105.		Expert Report of Robert D. Church Exhibit KK: Peripheral Vascular Associates-Account Inquiry- Patient 773750. Exhibit 17	DEF0162303-0162304			
106.		Expert Report of Robert D. Church Exhibit LL: Peripheral Vascular Associates-Screen print. Exhibit 15	DEF0162305-0162306			
107.		Expert Report of Robert D. Church Exhibit SS: <i>Coding and Reimbursement Issues for the Radiologist</i> by Phillips and Hillman	DEF0162307-0162312			
108.		Supplemental Expert Report of Robert D. Church Attachment TT: ACR Practice Parameters for Communication of Diagnostic Imaging Findings	DEF0162313-0162322			
109.	07/08/2020	Supplemental Expert Report and Exhibits of Zachary Nye (Nye Depo Ex. 4)	DEF0162323-0162331			
110.		Expert Report of Zachary Nye Exhibit 1: Zachary R. Nye CV	DEF0162332-0162335			
111.		Expert Report of Zachary Nye Exhibit 2: Summary of False Billings in the Billing System Data for Imaging	DEF0162336			
112.		Expert Report of Zachary Nye Exhibit 3: Distribution of False Billings for Imaging by Number of Days Before Final Report Date	DEF0162337-0162341			
113.		Expert Report of Zachary Nye Exhibit 4a: Total Payments Associated with False Billings for Imaging	DEF0162342-0162347			
114.		Expert Report of Zachary Nye Exhibit 4ai: Total Payments Associated with False Billings for Imaging	DEF0162348-0162409			

Defendant's Trial Exhibit List						
Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
115.		Expert Report of Zachary Nye Exhibit 4b: Total Payments Associated with False Billings for Imaging	DEF0162410			
116.		Expert Report of Zachary Nye Exhibit 4c: Total Payments Associated with False Billings for Imaging	DEF0162411-0162412			
117.		Expert Report of Zachary Nye Exhibit 4d: Total Payments Associated with False Billings for Imaging	DEF0162413-0162414			
118.		Expert Report of Zachary Nye Exhibit 4e: Total Payments Associated with False Billings for Imaging	DEF0162415-0162417			
119.		Expert Report of Zachary Nye Exhibit 4ei: Total Payments Associated with False Billings for Imaging	DEF0162418-0162419			
120.		Expert Report of Zachary Nye Exhibit 5: Chart of Number of Days Between Test Date and Final Report Date	DEF0162420-0162421			
121.		Expert Report of Zachary Nye Exhibit 6a: Total Payments Associated with False Billings for E/M Services	DEF0162422-0162427			
122.		Expert Report of Zachary Nye Exhibit 6ai: Total Payments Associated with False Billings for E/M Services	DEF0162428-0162488			
123.		Expert Report of Zachary Nye Exhibit 6b: Total Payments Associated with False Billings for E/M Services	DEF0162489			
124.		Expert Report of Zachary Nye Exhibit 6c: Total Payments Associated with False Billings for E/M Services	DEF0162490-0162491			
125.		Expert Report of Zachary Nye Exhibit 6d: Total Payments Associated with False Billings for E/M Services	DEF0162492-0162494			
126.		Expert Report of Zachary Nye Exhibit 6e: Total Payments Associated with False Billings for E/M Services	DEF0162495-0162496			
127.		Expert Report of Zachary Nye Exhibit 7: Chart Time Between Consecutive Final Report Dates	DEF0162497-0162498			
128.		Expert Report of Zachary Nye Exhibit 8: Chart Number of Tests Per Day	DEF0162499-0162500			
129.	07/30/2020	Second Supplemental Expert Report of Zachary Nye (Nye Depo Ex. 5)	DEF0162501-0162504			

Defendant's Trial Exhibit List						
Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
130.		Second Supplemental Expert Report of Zachary Nye Exhibit 4ai Supplemental: Total Payments Associated with False Billings for Imaging	DEF0162505-0162645			
131.		Second Supplemental Expert Report of Zachary Nye Exhibit 4d Supplemental: Total Payments Associated with False Billings for Imaging	DEF0162646-0162661			
132.		Second Supplemental Expert Report of Zachary Nye Exhibit 6ai Supplemental: Total Payments Associated with False Billings for E/M Services	DEF0162662-0162756			
133.		Second Supplemental Expert Report of Zachary Nye Exhibit 6d Supplemental: Total Payments Associated with False Billings for E/M Services	DEF0162757-0162769			
134.		Second Supplemental Expert Report of Zachary Nye Exhibit 9a: False Billings for Imaging Where Billing MD Not Equal to Reading MD	DEF0162770-0162771			
135.		Second Supplemental Expert Report of Zachary Nye Exhibit 9b: Payments Associated with False Billings for Imaging Where Billing MD Not Equal to Reading MD	DEF0162772-0162774			
136.		Second Supplemental Expert Report of Zachary Nye Exhibit 10a: False Billings for Imaging Where No E/M Visit Between Date of Service and Charge Date	DEF0162775-0162779			
137.		Second Supplemental Expert Report of Zachary Nye Exhibit 10b: Payments Associated with False Billings for Imaging Where No E/M Visit Between Date of Service and Charge Date	DEF0162780-0162786			
138.		Second Supplemental Expert Report of Zachary Nye Exhibit 11: Distribution of False Billings for Imaging by Insurance Name and Number of Days Before Final Report Date	DEF0162787-0162866			
139.		Second Supplemental Expert Report of Zachary Nye Exhibit 12: Distribution of False Billings for E/M Services	DEF0162867-0162931			

Defendant's Trial Exhibit List						
Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
		by Insurance Name and Number of Days Before Final Report Date				
140.	06/23/2020	Expert Report of Melissa Scott	DEF0162932-0162961			
141.		Expert Report of Melissa Scott Appendix 1: Melissa Scott Curriculum Vitae	DEF0162962-0162966			
142.		Expert Report of Melissa Scott Appendix 2: List of Documents Considered	DEF0162967			
143.		Expert Report of Melissa Scott Appendix 3: Patient Sampling records	DEF0162968-0162981			
144.	12/21/2017	First Amended Complaint for the case dated December 21, 2017	SCOTT000006-000025			
145.		First Amended Complaint Detail				
146.		Documents Provided to OIG	PVA0000001-0238036			
147.		Documents from Plaintiffs' data analyst expert, Zachary Nye, PhD	NYE000001-000051			
148.		Documents from Plaintiffs' expert, Robert Church	SCOTT000031-000415, SCOTT003784-003787			
149.		Documents from Plaintiffs' expert, Dr. James Alexander (Alexander Depo Ex. 2)	ALEXANDER00001-001593			
150.		Sample of PVA ultrasound finalized report records produced by PVA, along with billing (submission of global claims which include the technical and professional component relating to ultrasounds) and reimbursement records for those patients				
151.		Interviews with PVA staff and Counsel				
152.		Melissa Scott Working File	SCOTT0001-003787			
153.	06/23/2020	Expert Report of Paul E. Collier, M.D.	DEF0163574-0163578			
154.		Expert Report of Paul E. Collier, M.D. Exhibit 1: Paul E. Collier, MD Curriculum Vitae	DEF0163579-0163588			

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Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
155.		Expert Report of Paul E. Collier, M.D. Exhibit 2: Paul E. Collier, MD Testimony List	DEF0163589-0163593			
156.		Expert Report of Paul E. Collier, M.D. Exhibit 3: Paul E. Collier, MD Fee Schedule	DEF0163594-0163595			
157.		Paul E. Collier Working File	PEC 000001-000999			
158.		<i>Limiting Use of Agency Guidance Documents in Affirmative Civil Enforcement Cases</i> , U.S. Department of Justice, Jan. 25, 2018.	DEF0161717-0161718			
159.		<i>Department of Health and Human Services Good Guidance Practices</i> , U.S. Department of Health and Human Services, 85 Fed. Reg. 78770 (Dec. 7, 2020).				
160.		<i>Advisory Opinion 20-05 on Implementing Allina</i> , U.S. Department of Health and Human Services Office of the General Counsel (Dec. 3, 2020). <a href="https://www.hhs.gov/sites/default/files/allina-ao.pdf">https://www.hhs.gov/sites/default/files/allina-ao.pdf</a>				
161.		<i>Transparency and Fairness in Civil Administrative Enforcement Actions</i> , U.S. Department of Health and Human Services, 86 Fed. Reg. 3010 (Jan. 14, 2021).				
162.		PVA Organizational Chart	DEF0163024			
163.		<i>Chapter 8 – Sentencing or Organizations</i> , United States Sentencing Commission. ( <a href="https://www.ussc.gov/guidelines/2015-guidelines-manual/2015-chapter-8">https://www.ussc.gov/guidelines/2015-guidelines-manual/2015-chapter-8</a> )				
164.		PVA Employment Application (Martinez Depo Ex. 1)	DEF000324-000327			
165.		Resume of Roberta Martinez (Martinez Depo Ex. 2)	DEF000329-000332			
166.		Texas Workforce Commission logs (Martinez Depo Ex. 3)	MARTINEZ0002 58-000274			

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Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
167.		Roberta Martinez Handbook Acknowledgement (Martinez Depo Ex. 4)	DEF000352			
168.		Roberta Martinez Employee Acknowledgement Form (Martinez Depo Ex. 5)	DEF000353			
169.		Employee Confidentiality/Nondisclosure Agreement (Martinez Depo Ex. 6 and Montcrieff Depo Ex. 1)	DEF000740			
170.		Information Security and Confidentiality Agreement (Martinez Depo Ex. 7 and Montcrieff Depo Ex. 2)	DEF000741-000742			
171.		Compliance Pledge (Martinez Depo Ex. 8 and Montcrieff Depo Ex. 3)	DEF000693-000738			
172.		Coding and Compliance Pledge (Martinez Depo Ex. 9)	MARTINEZ0000 01-000048			
173.		PVA medical records (Martinez Depo Ex. 9a)	MARTINEZ0000 49-000274			
174.		PVA Job Description (Martinez Depo Ex. 10)	DEF000354-000356			
175.	10/19/2015	Email from Barbara Burrow to Randi Balch and Lori Rice (Martinez Depo Ex. 12)	DEF000415-000416			
176.	10/21/2015	Email from Barbara Burrow to Roberta Martinez (Martinez Depo Ex. 13)	DEF000418			
177.	04/21/2016	Email from Barbara Burrow to Roberta Martinez (Martinez Depo Ex. 15)	DEF000437			
178.	05/03/2016	Email from B. Burrow to Larina Montejano (Martinez Depo Ex. 16)	DEF000438			
179.	08/30/2016	Email from Barbara Burrow to Larina Montejano (Martinez Depo Ex. 18)	DEF000441			
180.	08/31/2016	Email from Barbara Burrow to Larina Montejano (Martinez Depo Ex. 17)	DEF000440			
181.	08/31/2016	Employee Counseling Statement (Martinez Depo Ex. 19)	DEF000444-000445			
182.	08/31/2016	Employee Counseling Statement (Martinez Depo Ex. 20)	DEF000442-000443			

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Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
183.	08/31/2016	Email from Barbara Burrow to Larina Montejano (Martinez Depo Ex. 11)	DEF000409-000411			
184.	08/31/2016	Email from Barbara Burrow to Larina Montejano (Martinez Depo Ex. 14)	DEF000436			
185.		PVA medical records (Martinez Depo Ex. 21)	MARTINEZ0000 48-000078			
186.		Text messages (Martinez Depo Ex. 22)	MARTINEZ0000 79-000083			
187.		Text messages (Martinez Depo Ex. 23)	MARTINEZ0000 87-000091			
188.		Text messages (Martinez Depo Ex. 24 and Burnett Depo Ex. 30)	MARTINEZ0000 96			
189.		Text messages (Martinez Depo Ex. 25 and Burnett Depo Ex. 29)	MARTINEZ0000 093-000095			
190.	12/21/2017	First Amended Complaint (Martinez Depo Ex. 26)				
191.	09/12/2019	Martinez's Responses to Defendant's First Set of Interrogatories (Martinez Depo Ex. 27)				
192.	02/15/2015	Alicia Burnett Application for Employment (Burnett Depo Ex. 1)	DEF000002-000005			
193.		UltrasoundJOBS.com profile (Burnett Depo Ex. 2)	DEF000015-000017			
194.		2016 W-2 and earnings summary (Burnett Depo Ex. 3)	DEF001505-001508			
195.		Notice of application for unemployment benefits (Burnett Depo Ex. 4)	DEF000320			
196.	12/07/2015	Letter from PVA to Alicia Gomez (Burnett Depo Ex. 5)	DEF000031-000033			
197.		PVA Employee Confidentiality/Non-Disclosure Agreement (Burnett Depo Ex. 6)	DEF000740			
198.		PVA Information Security and Confidentiality Agreement (Burnett Depo Ex. 7)	DEF000741-000742			
199.		PVA Medical Documentation & Coding Compliance Pledge (Burnett Depo Ex. 8)	DEF000693-000738			

Defendant's Trial Exhibit List						
Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
200.		Staff Registered Vascular Technologist job summary (Burnett Depo Ex. 9)	DEF000241-000243			
201.		Lead Staff Registered Vascular Technologist job summary (Burnett Depo Ex. 10)	DEF000245-000247			
202.		Email from Barbara Burrow entitled <i>No Longer Need to Use ICD-10 Codes on Reports</i> (Burnett Depo Ex. 11)	BURNETT00001 5			
203.	07/15/2016	Employee Counseling Statement (Burnett Depo Ex. 12)	DEF000254-000255			
204.	08/22/2016	Employee Counseling Statement (Burnett Depo Ex. 13)	DEF000259-000260			
205.		PVA Registered Vascular Technologist job description (Burnett Depo Ex.14)	DEF000261-000263			
206.	05/25/2017	Verbal Warning (Burnett Depo Ex. 15)	DEF000305-000306			
207.		PVA Leave of Absence Policies (Burnett Depo Ex. 16)	DEF000845-000852			
208.	06/01/2017	Email from Carolyn Brensinger to Alicia Burnett (Burnett Depo Ex. 17)	DEF000202-000204			
209.	07/07/2017	Email from Alicia Burnett to Carolyn Brensinger (Burnett Depo Ex. 18)	DEF000205			
210.	07/18/2017	Email from Alicia Burnett to Carolyn Brensinger (Burnett Depo Ex. 20)	DEF000207-000209			
211.	07/18/2017	Email from Carolyn Brensinger to Barbara Burrow and Randi Balch (Burnett Depo Ex. 24)	DEF000219			
212.		Text messages (Burnett Depo Ex. 25)	DEF000321-000322			
213.	09/20/2017	Email from Alicia Gomez to Dru Jones (Burnett Depo Ex. 26)	DEF000309			
214.	07/10/2017	Notice of Eligibility and Rights & Responsibilities (Family and Medical Leave Act) (Burnett Depo Ex. 19)	DEF000210-000211			
215.	07/11/2017	Certification of Health Care Provider for Family Member's Serious Health	DEF000213-000216			

Defendant's Trial Exhibit List						
Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
		Condition (Family and Medical Leave Act) (Burnett Depo Ex. 21)				
216.	07/18/2017	Designation Notice (Family and Medical Leave Act) (Burnett Depo Ex. 22)	DEF000206			
217.	07/18/2017	PVA FMLA/ADA Approval Designation Acknowledgement Form (Burnett Depo Ex. 23)	DEF000212			
218.	09/20/2017	Email from Alicia Burnet regarding FMLA paperwork (Burnett Depo Ex. 27)	DEF000751-000799			
219.		PVA patient confidential information (Burnett Depo Ex. 28)	BURNETT00000 1-000052			
220.		Text messages (Burnett Depo Ex. 31)	MARTINEZ0001 00-000103			
221.	12/21/2017	First Amended Complaint (Burnett Depo Ex. 32)				
222.	09/13/2019	Alicia Burnett's Responses to Defendant's First Set of Interrogatories (Burnett Depo Ex. 33)				
223.		Chart of patient 585950 (Burnett Depo Ex. 34)				
224.		Chart of patient 585950 (Burnett Depo Ex. 35)				
225.		First Amended Complaint (Montcrieff Depo Ex. 4)				
226.		Tiffany Montcrieff's Responses to Defendant's First Set of Interrogatories (Montcrieff Depo Ex. 5)				
227.		Montcrieff's document production (Montcrieff Depo Ex. 6)	MONTCRIEFF0 00001-000739			
228.		Medical Records of patient 585950 (Montcrieff Depo Ex. 7)				
229.		Robert D. Church document production PDF (Church Depo Ex. 1)	CHURCH000002 -002204			
230.		Robert D. Church document production for Deposition (Church Depo Ex. 2)	CHURCH000002 -002220			
231.		Defendant's Notice of Intention to Take Oral/Videotaped Deposition Duces Tecum of Robert D. Church, Jr. (Church Depo Ex. 3)				

Defendant's Trial Exhibit List						
Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
232.		Seven Tips for Diagnostic Radiology Coding – AAPC Knowledge Center (Church Depo Ex. 6)				
233.		Section 6401 Affordable Care Act (Church Depo Ex. 7)				
234.		Defendant's Notice of Intention to Take Oral/Videotaped Deposition Duces Tecum of James E. Alexander, Jr. (Alexander Depo Ex. 1)				
235.		Exhibits to Expert Report of James E. Alexander, Jr., M.D. (Alexander Depo Ex. 5)				
236.	03/01/2017	Account Inquiry for Patient 580210 (Alexander Depo Ex. 6)				
237.	08/16/2017	Cerebrovascular Duplex Scan for Patient 580210 (Alexander Depo Ex. 7)				
238.		Defendant's Notice of Intention to Take Oral/Videotaped Deposition Duces Tecum of Zachary Nye, Ph.D. (Nye Depo Ex. 1)				
239.		Zachary Nye Retainer Letter, Invoices and Fees (Nye Depo Ex. 2)	NYE 00025-00051			
240.		Photographs of Peripheral Vascular Associates	DEF0162982-0163021			
241.		2018 Medicare Part B Fee Schedule - Texas Locality 99	DEF0163025-0163370			
242.		Medical Records of Patient 813970	DEF0163371-0163376			
243.		Medical Records of Patient 93809	DEF0163377-0163380			
244.		Medical Records of Patient 23693	DEF0163381-0163385			
245.		Medical Records of Patient 18749	DEF0163386-0163390			
246.		Medical Records of Patient 7697	DEF0163391-0163396			
247.		Medical Records of Patient 51121	DEF0163531-0163543			

Defendant's Trial Exhibit List						
Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
248.		Medical Records of Patient 15533	DEF0163397-0163401			
249.		Medical Records of Patient 38578	DEF0163402-0163407			
250.		Medical Records of Patient 39851	DEF0163408-0163414			
251.		Medical Records of Patient 206130	DEF0163415-0163421			
252.		Medical Records of Patient 151970	DEF0163422-0163435			
253.		Medical Records of Patient 99813	DEF0163436-0163442			
254.		Medical Records of Patient 21765	DEF0163443-0163449			
255.		Medical Records of Patient 21881	DEF0163450-0163460			
256.		Medical Records of Patient 343030	DEF0163461-0163471			
257.		Medical Records of Patient 141010	DEF0163472-0163477			
258.		Medical Records of Patient 849	DEF0163478-0163484			
259.		Medical Records of Patient 4930	DEF0163485-0163490			
260.		Medical Records of Patient 19049	DEF0163491-0163496			
261.		Medical Records of Patient 84672	DEF0163497-0163503			
262.		Medical Records of Patient 250340	DEF0163504-0163509			
263.		Medical Records of Patient 39922	DEF0163510-0163515			
264.		Medical Records of Patient 31964	DEF0163516-0163522			
265.		Medical Records of Patient 17318	DEF0163523-0163530			
266.		Medical Records of Patient 1444	DEF0163544-0163553			
267.		Medstreaming Portal View of Medical Records of Patients 1045480, 883870, 926360	DEF0163554-0163558			
268.		Medical Records of Patient 82300	DEF0163559-0163566			
269.		Medical Records of Patient 929470	DEF0163567-0163573			

Defendant's Trial Exhibit List						
Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
270.	07/11/2017	ACR letter to Novitas	DEF0163596-0163600			
271.		Medicare Benefit Policy Manual Chapter 15 80.6.1 definitions of order and what must be signed	DEF0163601-0163603			
272.		Local Coverage Determination (LCD) Non-Invasive Cerebrovascular Arterial Studies (L35397)	DEF0163604-0163617			
273.		Physicians Fee Schedule Code & Search 93922 26	DEF0163618-0163619			
274.		Physicians Fee Schedule Code and Search 93922 TC	DEF0163620-0163621			
275.		Novitas - Medical Review Signature Requirements	DEF0163622-0163626			
276.		Medstreaming Screenshot – Exam Browser	DEF0163627			
277.		Medical Records of Patient 699490	BURNETT000194			
278.		Medical Records of Patient 986280	BURNETT000249			
279.	01/10/2017	Medical Records of Patient 162630	BURNETT000261-000268			
280.	05/27/2016	DT Tech Meeting agenda with handwritten notes	BURNETT000327			
281.		Peripheral Vascular Associates Information Security and Confidentiality Agreement	BURNETT000331-000332			
282.	09/07/2017	Bypass Worksheet	BURNETT000544			
283.	09/02/2016	Employee Counseling Statements for Roberta Martinez	MARTINEZ000134-000137			
284.		Medical Records of Patient 107998	MARTINEZ000277			
285.		Medicare Claims Processing Manual Chapter 13 – Radiology Services and Other Diagnostic Procedures	MONTCREIFF000766-000844			
286.	12/29/2011	DHHS CMS Manual System Pub 100-02 Medicare Benefit Policy	MONTCREIFF000992-001002			
287.		Peripheral Vascular Associates Renal Artery Duplex Protocol	MONTCREIFF001888-001890			
288.		CPT 2020 Professional Edition				
289.		Documents used for rebuttal or impeachment that are not listed above				

Defendant's Trial Exhibit List						
Exhibit No.	Date	Description	Bates Number	Obj.	Adm.	Den.
290.		Documents identified by Plaintiffs that are not listed above				

Respectfully submitted,

By: /s/ Sean McKenna

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of June, 2021, I caused this pleading to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

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